

# OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL  
STATE OF ALABAMA

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Honorable John R. Frawley, Jr.  
Attorney, City of Irondale  
1818 6th Avenue South  
Irondale, AL 35210-2018

Municipalities - Public  
Records - Fees

The City of Irondale may charge a reasonable search fee for the time its personnel spends gathering public information at a citizen's request.

Dear Mr. Frawley:

This opinion is issued in response to your request for an opinion from the Attorney General.

## QUESTION

May the City of Irondale charge a reasonable search fee for the time its personnel spends gathering information to fill a citizen's request for public information?

## FACTS AND ANALYSIS

Section 36-12-41, Code of Alabama 1975, provides that every public officer having custody of a public writing which a citizen has a right to inspect is required to provide the

citizen with a certified copy thereof upon the payment of the legal fees therefor. Thus, there is statutory authority for the collection of fees to defray the costs of providing a citizen with information retained by public officers. Further, this office has issued several previous opinions stating that a reasonable fee may be charged for providing copies of records. Attorney General's opinion to Steve Windom, dated January 22, 1990, A.G. No. 90-00105; Attorney General's opinion to Perry Hand, dated February 16, 1990, A.G. No. 90-00145; Attorney General's opinion to Wayland Cooley, dated November 4, 1987, A.G. No. 88-00047. A "reasonable fee" has been interpreted to mean the actual costs incurred in providing the information to the public. Opinion to Wanda Parker, dated October 26, 1990, A.G. No. 91-00046. Thus, the fee charged should be limited to the actual costs of providing the information to the public, so long as those costs are reasonable. An excessive fee should not be charged as the public's right to a copy of public records should not be restricted.

In The Birmingham News Co. v. Mark D. Perry and Alabama Department of Public Safety, Montgomery County Circuit Court, dated September 17, 1993, the Court held that a citizen must pay the actual, reasonable cost incurred by the Department to create any new computer program required to comply with the citizen's request for public information. In the Attorney General's opinion to Lucy Baxley, dated July 17, 1995, the Attorney General noted that the state treasurer might incur costs such as employee time, use, wear and tear of a computer terminal, printer time and other related expenses in compiling information requested by the public and wrote that those reasonable costs may be charged to the person requesting public information. Thus, personnel costs are expenses which may be charged to a citizen who has requested public information which must be compiled or accessed.

#### CONCLUSION


The City of Irondale may charge a reasonable search fee for the time its personnel spends gathering public information at a citizen's request.

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I hope this sufficiently answers your question. If our office can be of further assistance, please contact Jane L. Brannan of my staff.

Sincerely,

JEFF SESSIONS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JS/JLB/cw  
F7.95/OP